

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 03/10/2008 have been fully considered but they are not persuasive.

Applicant's submission that elevator are neither concealed nor used for storage is not persuasive as elevators are concealed in many situations where the elevator itself and the supporting and operating structure of the elevator are concealed behind structural framing such as studs and walls in a building; further an elevator can easily be used for storage as it is a apparatus for containing objects.

Applicant's submission that Frangos doe no disclose a roller chain and sprocket assembly is not persuasive as applicant has merely made a statement without providing support or evidence or pointed out supposed errors in the previous office action where it is clearly indicated that applicant's claimed features are anticipated by the prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Orndorff et al (4699251) in view of Frangos (5036951).

Regarding claim 4: Orndorff et al discloses a concealed storage system comprising:

a. an encased chamber (the hoistway of the elevator shaft; Col. 1, lines 11-12) below a floor of a structure having an opening in said floor above the chamber (while Orndorff does not expressly disclose this limitation, it is notoriously common and well known for elevators to go between openings in floors in a building structure);

b. a support frame fixed in the chamber (Col. 2, lines 12-20) with top side beams (32, 34, 36, 38);

c. a liftable frame (12) within the support frame; said liftable frame further comprising a top deck (44) and a bottom deck (22) wherein the top deck of the liftable frame further comprises an emergency exit hatch (Col. 4, lines 35-45);

d. a mechanism for vertically raising and lowering the liftable frame through the opening in the floor (Col. 2, lines 14-20, where Orndorff discloses possible means for vertical movement of the cab, without disclosing specific structure or mechanisms, but does disclose a traction system including rails and wires).

Frangos discloses an elevator lifting mechanism wherein the mechanism for raising and lowering a liftable frame through the opening in the floor further comprises a motor (Col. 5, lines 49-60) driving roller chain and sprocket assembly (Col. 5, lines 49-60), at least one lifting screw shaft (72) suspended by a collar from the top side beams (as seen in figures 1-3) driven by the roller chain and sprocket assembly and one rolling ball screw nut (6) affixed to the liftable frame for each lifting screw shaft wherein said rolling ball screw nut is driven in a vertical direction by the lifting screw shaft.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the vertical lifting means of Orndorff for the vertical lifting

means as disclosed by Frangos because of its ease of installation and reliability.

Further it has been held that the substitution of one known element for another that yields predictable results or has a reasonable expectation of success would have been obvious to one of ordinary skill and common sense (where elevator lifting platforms and lifting means of roller chain and sprocket assemblies with roller screw shafts and nut assemblies are both common in the art).

Regarding claim 6: The concealed storage system of claim 4 wherein the mechanism for raising and lowering the liftable frame through the opening in the floor further comprises a primary drive shaft (71) being rotated by the motor through a belt and pulley assembly (Frangos does not expressly disclose a belt and pulley system, however it is noted that belt and pulley drive systems are notoriously common and well known in the art and it would have been obvious to one of ordinary skill to use such a system as the drive shaft of Frangos because of it is so common and therefore the parts and repair of such a system would be easy), said primary drive shaft driving the roller chain and sprocket assembly.

Claims 9, 11, 14, 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art discloses a the lifting structure as in the rejected claims above, but does not teach, disclose, or suggest a lifting platform having a safe or storage compartment as presently claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Thursday, 9:00am to 5:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3633

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633

/J. L./
Examiner, Art Unit 3635